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RUEHNY/AMEMBASSY OSLO PRIORITY 3105
RUEHKO/AMEMBASSY TOKYO PRIORITY 2181
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0870
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0237
RUEHBI/AMCONSUL MUMBAI PRIORITY 4544
RUEHCG/AMCONSUL CHENNAI PRIORITY 6655
RUEKDIA/DIA WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000866

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TAGS: [PTER](#) [PHUM](#) [PGOV](#) [CE](#)

SUBJECT: SRI LANKA: FROM INSIDE THE CONFLICT ZONE AND FROM
WITHIN THE CABINET: AGREEMENT ON NEED FOR FEDERAL SOLUTION

REF: A. NEW DELHI 3473

[1](#)B. COLOMBO 792

[1](#)C. COLOMBO 771

Classified By: DCM James F. Entwistle. Reason: 1.4 (b,d).

SUMMARY

[1](#)1. (C) In separate meetings on May 18 and May 23 a Tamil cleric from Jaffna and a Sinhalese Buddhist Cabinet Minister shared with poloff their assessments of the current situation and expectations for the future. Although their many differences in viewpoints, especially with respect to Government responsibility to contain human rights abuses in the north, are hardly surprising, both agreed that the Government must put forward a plan, based on a federal solution, for a permanent settlement to the conflict. End summary.

HUMAN RIGHTS

[1](#)2. (C) In a May 18 meeting with poloff, Father A.I. Bernard, a Catholic priest from Jaffna who heads a human rights NGO, expressed concern about the deteriorating security situation in the north. (Fr. Bernard is in contact with members of the Liberation Tigers of Tamil Eelam (LTTE) and, according to military sources, is Sea Tiger leader Soosai's first cousin. We have not verified that purported familial connection.) He asked the U.S. to urge the Government of Sri Lanka (GSL) to take urgent steps to help reverse the alarming trend. First and most important, the GSL must improve rapidly worsening human rights conditions in the north, the priest said, especially the recent spike in alleged extrajudicial killings. Poloff told Fr. Bernard U.S. officials have repeatedly stressed to GSL interlocutors the need to uphold human rights standards and investigate and prosecute allegations of abuse, calling his attention to statements made to the press by South and Central Asian Affairs

Principal Deputy Assistant Secretary Donald Camp during his May 15-16 visit.

13. (C) Fr. Bernard expressed his appreciation, adding that the ubiquity of security forces in Jaffna makes it impossible to believe GSL claims that it can find no evidence or eyewitnesses in any of these cases. For example, a military checkpoint is located about 100 yards from the house on Kayts Island in Jaffna in which nine members of the same family were shot to death on May 13 (Ref B), he asserted, while policemen had been stationed outside the church in Batticaloa where Tamil National Alliance (TNA) MP Joseph Pararajasingham was shot to death on December 24. How was it possible for armed gunmen to escape through these checkpoints so easily when the security forces regularly stop and check everyone else? Fr. Bernard also claimed that many of the alleged extrajudicial killings in the north were being carried out by paramilitaries. The May 13 attack had been carried out by four gunmen, he alleged, two of them Sri Lanka Navy (SLN) sailors and two paramilitaries. One of two women who survived the attack said she could identify at least some of the perpetrators. (There have been other unverified reports from residents in the community that just before the attack the SLN came up the street and told people to go inside their homes and turn off the lights.)

14. (C) President Rajapaksa has done nothing to benefit the Tamil community since he was elected last November, the priest charged. Instead, the President has appointed hardliners--like Army Chief Lt. Gen. Sarath Fonseka and Special Advisor to the Defense Ministry Kotakadeniya--to key positions. What kind of message does that send to the Tamil community? Fr. Bernard asked rhetorically. If Tamils feel

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that the GSL not only does not protect them from extrajudicial killings but may actually encourage or orchestrate the violence, could anyone blame members of the community for turning to the LTTE?

15. (C) In a May 23 meeting with poloff, Dinesh Gunawardena, Minister of Urban Development and Water Supply, said that since the Ceasefire Agreement (CFA) allows LTTE cadres to enter GSL-controlled territory, the GSL cannot be expected to exercise "full control" in those areas. (Comment: A Sinhalese Buddhist, Gunawardena has a reputation as something of a hardliner on the peace process. End comment.) "The ground reality . . . is that it's a war-torn situation, and the Government cannot say we are in 100 percent control," he conceded. Not only local residents are targeted; there are threats and pressure on Government officials in the north and east as well, he stressed. The LTTE and other armed groups like the Karuna faction--which he insisted the GSL maintains no links with--might be behind the killings, he suggested; "you can't say." Despite this difficulty, however, he agreed that the GSL must do more to investigate the killings and restore a sense of security and confidence to local residents.

ON THE MENU OF FEDERALIST OPTIONS--
SOMETHING INDIAN?

16. (C) In the meeting with Fr. Bernard, poloff asked what concrete steps the GSL could take now to build confidence in the Tamil community that the Tigers would not attempt to undermine. Tiger aggression had made big-ticket items like turning back some of the High Security Zones (HSZs) or relaxing restrictions on fishing rights not feasible right now. Father Bernard asked the U.S. to press the GSL to consider a federal structure, perhaps based on the Swiss model, as a starting point for discussion with the Tigers. The LTTE would be receptive to such an overture, he averred. The U.S. model could be another possibility, he suggested,

but the LTTE would categorically reject the Indian model because it gives the center special powers to remove state governments (Ref A). The federal structure could stay in place for a 10-year period, Fr. Bernard suggested, after which there could be a nationwide referendum on whether the north-east should remain part of Sri Lanka or become its own state. Poloff agreed that the GSL should demonstrate it is thinking about a political settlement, whether it involves federalism or not, but expressed doubt that the referendum idea would be enthusiastically welcomed by the government at this time or that the LTTE would evolve democratically enough over just 10 years to allow a free and fair vote on the issue.

17. (C) In the May 23 meeting, Minister Gunawardena said there was general recognition within the Cabinet and among southern political parties that the GSL has "to offer something positive" in terms of a final political settlement to the Tamil community. Moreover, everyone recognizes that the proposal would have to offer something more than the Provincial Council system, he continued--meaning some form of federal structure. Even the Sinhalese nationalist Janatha Vimukthi Peramuna (JVP), which continues to oppose federalism, has said it will not block such a proposal if it has the support of most Sri Lankans, he emphasized. Thus there is "a broad consensus emerging" behind a proposal based on the Indian model, Gunawardena reported, although there is no specific timeline for when such an offer might be put on the table. When asked about other federal systems, the Minister speculated that India would be unlikely to accept Sri Lanka offering its Tamil community a greater degree of self-governance than what the Indian government has offered Tamil Nadu. India might worry that the demand for self-rule could "overflow" into Tamil Nadu. Even though India has said it would not involve itself "in the A-B-Cs of a settlement,

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the fact remains that Tamil Nadu is just across" from Sri Lanka, he observed.

COMMENT

18. (C) It is disappointing that GSL representatives still trot out the same "it ain't us" line when human rights violations are raised and assume that absolves them of all responsibility for follow-up. Even if the LTTE were committing all of these atrocities--which we doubt--for the GSL to cede complete responsibility for maintaining law and order in the territories under its control could lend credence to LTTE claims that the Government does not exercise true sovereignty in the north and east. The disparity in descriptions of the "ground reality" offered by a reportedly pro-Tiger Jaffna resident and a Sinhalese Buddhist hardliner is not surprising. More reassuring is where their views converge: on the need for the Government to get moving on a proposal that demonstrates its sincerity in seeking a negotiated settlement. While the Tigers are infamous for moving the goalposts, right now the GSL doesn't even have the ball in play. The LTTE might well refuse the initial offer, but by taking this step the GSL can show it is serious--and can make it just a little bit harder for the Tigers to claim the Sinhalese will never give Tamils any degree of self-governance.

LUNSTEAD